

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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THE ANNUITY, PENSION, WELFARE
AND TRAINING FUNDS OF THE
INTERNATIONAL UNION OF
OPERATING ENGINEERS LOCAL
14-14B, AFL-CIO, et al.,

Plaintiffs,

08 CV 4760 (SJ) (JO)

-against-

**ORDER ADOPTING
REPORT AND
RECOMMENDATION**

ANGEL CONSTRUCTION COMPANY,

Defendant.

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A P P E A R A N C E S
BRADY McGUIRE & STEINBERG
603 Warburton Avenue
P.O. Box 176
Hastings-on-Hudson, NY 10706
By: James Michael Steinberg
Attorneys for Plaintiffs

JOHNSON, Senior District Judge:

Presently before the Court are two Reports and Recommendations (“Reports”) prepared by Magistrate Judge James Orenstein. Judge Orenstein issued the first Report on September 8, 2009, to which no objections were filed. Judge Oreinstein supplemented the report on February 18, 2010, and provided that the parties shall file any objections by March 9, 2010. Neither party filed any objections to either Report. For the reasons stated herein, this Court affirms and adopts the Reports in their entirety.

A district court judge may designate a magistrate judge to hear and determine certain motions pending before the Court and to submit to the Court proposed findings of fact and a recommendation as to the disposition of the motion. See 28 U.S.C. § 636(b)(1). Within 10 days of service of the recommendation, any party may file written objections to the magistrate's report. See Id. Upon *de novo* review of those portions of the record to which objections were made, the district court judge may affirm or reject the recommendations. See Id.

The Court is not required to review, under a *de novo* or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the report and recommendation to which no objections are addressed. See Thomas v. Arn, 474 U.S. 140, 150 (1985). In addition, failure to file timely objections may waive the right to appeal this Court's Order. See 28 U.S.C. § 636(b)(1); Small v. Sec'y of Health and Human Servs., 892 F.2d 15, 16 (2d Cir. 1989).

In this case, the Reports were filed on September 8, 2009 and February 22, 2010, respectively, and the time to file objections has expired. Accordingly, upon review of the recommendations, this Court adopts and affirms Magistrate Judge Orenstein's Reports in their entirety. The Clerk of the Court is directed to close the case.

SO ORDERED.

Dated: March 11, 2010
Brooklyn, NY

_____/s_____
Senior United States District Judge